

**IN THE DRAWINGS**

Corrected drawings are supplied herewith.

### **REMARKS**

This is in response to the Office Action mailed on December 9, 2004, and the references cited therewith.

Claims 1, 2, 4-8, 13, 15, and 26 are amended, and claims 29-35 are added; as a result, claims 1-35 are now pending in this application.

#### **§102 Rejection of the Claims**

Claims 1-3, 5 and 26-28 were rejected under 35 USC § 102(b) as being anticipated by Gaston (U.S. Patent No. 4,516,693).

#### **Claims 1-3 and 5**

Applicant has amended claim 1 to include the subject matter of allowable claim 6. Claims 2-3 and 5 depend from rewritten claim 1. Reconsideration and allowance is respectfully requested.

#### **Claims 26-28**

Applicant has amended claim 26 to better describe the subject matter recited in the claim. Applicant believes claim 26 is not anticipated by the cited reference since the reference does not include each limitation recited in the claim. For instance, Applicant cannot find in the cited reference: distributing a plurality of sanitary bags having outlet tubes to an on-site location where the bags are to be filled with water and dispensed, wherein the bags are distributed empty and sealed and are filled by an end-user of the bag in a substantially sealed configuration. In contrast, the Gaston reference includes a liner 34 which is apparently filled through an open top of the liner. This is inherently unsanitary relative to being filled in a substantially sealed configuration, as claimed.

Claims 27-28 include each limitation of their parent claim and are therefore also not anticipated by the cited reference. Reconsideration and allowance is respectfully requested.

Claims 8-12, 15, 21-23, 26 and 27 were rejected under 35 USC § 102(b) as being anticipated by Scholle et al. (U.S. Patent No. 4,417,607).

Claims 8-12

Applicant has amended claim 8 to better describe the subject matter recited in the claim. Applicant believes claim 8 is not anticipated by the cited reference since the reference does not include each limitation recited in the claim. For instance, Applicant cannot find in the cited reference a sanitary bag and a water input member, wherein the sanitary bag and the water input member are configured such that the sanitary bag is fillable with water by an end-user of the bag at an on-site location. In contrast, Scholle is directed to a typical commercial, bulk filling system which fills containers to be shipped in filled, bulk form. The complex filling apparatus discussed by Scholle would be too expensive and complex for use by an end-user on an on-site location, as recited in claim 8. Moreover, Applicant cannot find in Scholle an input portion of the bag adapted to prevent reuse of the input portion after the water input member has been detached from the input portion. In contrast, it appears that the Scholle containers can be easily reused by removing the capo and refilling the containers.

Claims 9-12 include each limitation of their parent claim and are therefore also not anticipated by the cited reference. Reconsideration and allowance is respectfully requested.

Claim 15

Applicant has amended claim 15 to better describe the subject matter recited in the claim. Applicant believes claim 15 is not anticipated by the cited reference since the reference does not include each limitation recited in the claim. For instance, Applicant cannot find in the cited reference a system including a sanitary bag and a water input member having a first end attachable to a sanitary water supply at an on-site location and a second end having a nozzle adapted to couple with the outlet tube of the bag in a substantially sealed configuration such that the bag can be filled with sanitary water through the outlet tube by an end-user of the bag at the on-site location. Again, Scholle is directed to a typical commercial, bulk filling system. The complex filling apparatus discussed by Scholle would be too expensive and complex for use by

an end-user on an on-site location, as recited in claim 15. Reconsideration and allowance is respectfully requested.

Claims 21-23

Applicant traverses the rejection of claim 21. Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration. *In re Dillon* 919 F.2d 688, 16 USPQ2d 1897, 1908 (Fed. Cir. 1990) (en banc). Claim 21 recites a method comprising: an end-user attaching an input member from a sanitary water supply to a water inlet of a food-grade bag in a substantially sealed configuration; the end-user filling the bag with water via the input member; the end-user removing the input member from the water inlet without allowing any outside air to reach the water; and the end-user placing the bag within a portable insulated container for use at a location remote from the filling location. As discussed above, the Scholle reference does not include such subject matter. The end-user of the Scholle container does not do the filling, etc, as claimed.

Claims 22-23 include each limitation of their parent claim and are therefore also not anticipated by the cited reference. Reconsideration and allowance is respectfully requested.

Claims 26 and 27

Applicant has amended claim 26 to better describe the subject matter recited in the claim. Applicant believes claim 26 is not anticipated by the cited reference since the reference does not include each limitation recited in the claim. For instance, Applicant cannot find in the cited reference: distributing a plurality of sanitary bags having outlet tubes to an on-site location where the bags are to be filled with water and dispensed, wherein the bags are distributed empty and sealed and are filled by an end-user of the bag in a substantially sealed configuration. As noted, Scholle is directed to a typical commercial, bulk filling system. The complex filling apparatus discussed by Scholle would be too expensive and complex for use by an end-user on an on-site location, as recited in claim 26.

Claim 27 includes each limitation of its parent claim and is therefore also not anticipated by the cited reference. Reconsideration and allowance is respectfully requested.

Claims 15-17 were rejected under 35 USC § 102(b) as being anticipated by Goodrich et al. (U.S. Patent No. 3,638,834).

Applicant has amended claim 15 to better describe the subject matter recited in the claim. Applicant believes claim 15 is not anticipated by the cited reference since the reference does not include each limitation recited in the claim. For instance, Applicant cannot find in the cited reference a system including a sanitary bag and a water input member having a first end attachable to a sanitary water supply at an on-site location and a second end having a nozzle adapted to couple with the outlet tube of the bag in a substantially sealed configuration such that the bag can be filled with sanitary water through the outlet tube by an end-user of the bag at the on-site location. In contrast, Goodrich discusses a container to be filled by bulk distributor, such as a dairy. Goodrich includes no discussion of a water input member having a first end attachable to a sanitary water supply at an on-site location, or the water input member having a second end having a nozzle adapted to couple with the outlet tube of the bag in a substantially sealed configuration such that the bag can be filled with sanitary water through the outlet tube by an end-user of the bag at the on-site location. Moreover, Applicant traverses the characterization that the Goodrich container is filled through tubing 42, as suggested by the Office Action. Goodrich discusses that tubing 42 is put on the container after the container is filled. (Col. 3, lines 51-52).

Claims 16-17 include each limitation of their parent claim and are therefore also not anticipated by the cited reference. Reconsideration and allowance is respectfully requested.

Claims 15 and 18-20 were rejected under 35 USC § 102(b) as being anticipated by Weinreich et al. (U.S. Patent No. 3,112,047).

Applicant has amended claim 15 to better describe the subject matter recited in the claim. Applicant believes claim 15 is not anticipated by the cited reference since the reference does not include each limitation recited in the claim. For instance, Applicant cannot find in the cited reference a system including a sanitary bag and a water input member having a first end attachable to a sanitary water supply at an on-site location and a second end having a nozzle adapted to couple with the outlet tube of the bag in a substantially sealed configuration such that the bag can be filled with sanitary water through the outlet tube by an end-user of the bag at the

on-site location. In contrast, Weinreich discusses a container to be filled and shipped by a bulk distributor, such as a dairy. Weinreich includes no discussion of a water input member having a first end attachable to a sanitary water supply at an on-site location, or the water input member having a second end having a nozzle adapted to couple with the outlet tube of the bag in a substantially sealed configuration such that the bag can be filled with sanitary water through the outlet tube by an end-user of the bag at the on-site location.

Claims 18-20 include each limitation of their parent claim and are therefore also not anticipated by the cited reference. Reconsideration and allowance is respectfully requested.

### §103 Rejection of the Claims

Claims 1, 2, 5, 8, 9 and 21-28 were rejected under 35 USC § 102(b) as anticipated by Weinreich et al. or, in the alternative, under 35 USC § 103(a) as obvious over Weinreich et al and Gaston.

#### Claims 1, 2, and 5

As noted above, Applicant has amended claim 1 to include the subject matter of allowable claim 6. Claims 2 and 5 depend from rewritten claim 1. Reconsideration and allowance is respectfully requested.

#### Claims 8 and 9

Applicant has amended claim 8 to better describe the subject matter recited in the claim. Applicant believes claim 8 is not anticipated by the cited reference (or obvious in view of both references) since, even if combined, the references do not include each limitation recited in the claim. For instance, Applicant cannot find in the cited references a water input member having a second end removably attachable to an input portion of the bag, the second end attachable to and removable from the input portion of the bag in a substantially sealed configuration by an end-user of the bag such that the bag can be filled with water such that the water is not exposed to contaminants upon removal of the second end from the input portion, wherein the sanitary bag and the water input member are configured such that the sanitary bag is fillable with water by an end-user of the bag at an on-site location. As noted above, the Weinreich reference does not include such subject matter and is directed to a container to be filled by bulk distributor, such as

a dairy. The secondary reference does not include any subject matter that would modify the Weinreich container for use by an end-user, as claimed.

Claim 9 includes each limitation of its parent claim and is therefore also not obvious in view of the cited references. Reconsideration and allowance is respectfully requested.

#### Claims 21-25

Applicant traverses the rejection of claim 21 since, even if combined, the cited references do not include each limitation recited in the claim. Claim 21 recites a method comprising: an end-user attaching an input member from a sanitary water supply to a water inlet of a food-grade bag in a substantially sealed configuration; the end-user filling the bag with water via the input member; the end-user removing the input member from the water inlet without allowing any outside air to reach the water; and the end-user placing the bag within a portable insulated container for use at a location remote from the filling location. As discussed above, the Weinreich reference does not include such subject matter and is directed to a container to be filled by bulk distributor, such as a dairy. The secondary reference does not include any subject matter that would modify the Weinreich container for use by an end-user, as claimed.

Claims 22-23 include each limitation of their parent claim and are therefore also not obvious in view of the cited references. Reconsideration and allowance is respectfully requested.

#### Claims 26-28

Applicant has amended claim 26 to better describe the subject matter recited in the claim. Applicant believes claim 26 is not obvious in view of the cited references since, even if combined, the references do not include each limitation recited in the claim. For instance, Applicant cannot find in the cited references: distributing a plurality of sanitary bags having outlet tubes to an on-site location where the bags are to be filled with water and dispensed, wherein the bags are distributed empty and sealed and are filled by an end-user of the bag in a substantially sealed configuration. In contrast, the Gaston reference includes a liner 34 which is apparently filled through an open top of the liner. This is inherently unsanitary relative to being filled in a substantially sealed configuration. The Weinreich reference discusses a container that is to be filled by bulk distributor, such as a dairy.

Claims 27-28 include each limitation of their parent claim and are therefore also not anticipated by the cited reference. Reconsideration and allowance is respectfully requested.

*Allowable Subject Matter*

Claims 4, 6, 7, 13 and 14 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 4, 7, and 13 have been rewritten in independent form including all of the limitations of their base claim and any intervening claims. The subject matter of claim 6 has been added to claim 1.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 359-3267 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date 3/9/05

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 09 day of March, 2005.

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Signature